

REMARKS

Claims 1-20 stand rejected under 35 U.S.C. § 103(a). Each of these claims is rejected over Okamoto, US 2001/0027856 A1, and a combination of other references.

Applicants respectfully requests withdrawal of these rejections as Okamoto is disqualified as prior art under 35 U.S.C. § 103(c). At the time the invention was made, Okamoto and the claimed invention were commonly owned. 35 U.S.C. § 103(c) provides:

Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The claimed invention and Okamoto were, at the time the claimed invention was made, owned by NEC Corporation. See M.P.E.P. §§ 706.02(1)(2) and 2146. As a result, Okamoto only qualifies as prior art under 35 U.S.C. § 102(e) and may not be considered in determining whether an invention satisfies 35 U.S.C. § 103(a).

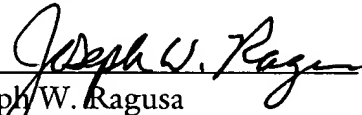
For the above reasons, Applicants respectfully submits that the rejection of claims 1-20, each of which relies on Okamoto, is improperly taken. Withdrawal of the rejections of claims 1-20 is respectfully requested. In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. In light of the foregoing, consideration and allowance of the application is earnestly solicited.

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Respectfully submitted,

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